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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,361	09/30/2003	Tomohiro Takahashi	Q77771	4357
23373	7590	03/28/2008		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER	
			POON, HOA K	
			ART UNIT	PAPER NUMBER
			4157	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/673,361	<b>Applicant(s)</b> TAKAHASHI ET AL.
	<b>Examiner</b> HOA POON	<b>Art Unit</b> 4157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on February 3, 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1668)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to amendment filed February 3, 2008.
  - Claims 1-7 and 15 have been cancelled.
  - Claims 8-14 are pending.
  - The applicant amended claims 8, 9, 10, 11.
2. Applicant's amendments, dated February 3, 2008 have been entered and made of record.

***Response to Remarks***

3. Applicant's remarks, dated 2/3/2008 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action.

***Double Patenting***

4. Claim 9 objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (See MPEP Ch. 2141)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

6. Claim (8-14) are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahito (JP 10-079843) in view of Evansen (U.S Patent No. 3,909,515).

**Regarding claim 8:**

Takahito discloses: A printing method for printing a print image (See Takahito, para. [0001], MFT) on a medium comprising: a step of storing, in a memory area (See Takahito, para [0005]), image data that has been generated by reading an image in an original (See Takahito, para [0005], manuscript reading means); a step of determining whether or not the whole image data corresponding to said print image can be stored, in term of size, in said memory area (See Takahito, para [0006]), and a step of performing printing up to a preset number of sheets based on the image data in said memory area if it is determined that the whole image data can be stored in terms of size (See Takahito, para [0007], R/W parallel-processing means).

Takahito does not explicitly disclose an area determination for determining which area in the original, is an area in which a print image exists based on the image data

that has been generated by reading the image in the original. However, Evansen discloses a facsimile machine includes a printer that determines which area in the original, is an area in which a print image exists: if it is determined that the whole image data cannot be stored in terms of size, performing an area determination for determining which area in the original, is an area in which a print image exists based on the image data that has been generated by reading the image in the original (See Evansen, Abstract); determining whether or not the whole image data corresponding to said print image can be stored, in terms of size, in said memory area based on a result of said area determination; and if it is determined that the whole image data can be stored in terms of size, storing data that has been re-read for the original having been subjected to said area determination in said memory area based on the result of said area determination (See Evansen, col. 3, line 23-28, also fig. 1, element 13 and 15), and performing printing up to the preset number of sheets based on the image data in said memory area (See Evansen, col. 3, line 34-36).

Therefore, it would have been obvious to a person of ordinary skill in the art of the time the invention was made to combine Takahito and Evansen to provide a printing method determining whether or not the whole image data corresponding to said print image can be stored, in terms of size, in said memory area based on a result of said area determination; and if it is determined that the whole image data can be stored in terms of size, storing data that has been re-read for the original having been subjected to said area determination in said memory area based on the result of said area

determination, and performing printing up to the preset number of sheets based on the image data in said memory area.

**Regarding claim 9:**

Claim 9 contains the limitations of claim 8, therefore it has been analyzed and rejected w/r to claim 8.

**Regarding claim 10:**

A printing method according to claim 9, wherein: a scan width for which an image-reading section for reading the image in said original is move is changed based on the result of said area determination upon re-reading the original that has been subjected to said area determination (See Evansen, Fig. 1, scan lines 17 and 19).

**Regarding claim 11:**

A printing method according to claim 9, wherein: a scan width for which an image-reading section for reading the image in said original is move is not changed based on the result of said area determination upon re-reading the original that has been subjected to said area determination (See Evansen, Fig. 1, scan lines 17 and 19); and image data corresponding to said print image is extracted from the data that has been read for the original having been subjected to said area determination and is stored in said memory area (See Evansen, col. 6, line 41-46).

**Regarding claim 12:**

A printing method according to claim 9, wherein, if it is determined that the whole image data cannot be stored in terms of size: operation of reading the original is performed every time printing is performed (See Takahito, drawing 3, step S4) ; and printing is performed up to the preset number of sheets using the image data obtained by the reading operation (See Takahito, para. [0023], processing of step S3).

**Regarding claim 13:**

A printing method according to claim 9, wherein: said area determination is performed according to an image-reading operation that is not accompanied with printing (See Evansen, col. 3, line 39-41).

**Regarding claim 14:**

A printing method according to claim 9, wherein: said area determination is performed according to an image-reading operation that is accompanied with printing (See Evansen, col. 3, line 39-45).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOA POON whose telephone number is (571)270-3758. The examiner can normally be reached on 8:30 am - 5:00 pm M-F EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hoa Poon/  
Examiner, Art Unit 4157

/Vu Le/  
Supervisory Patent Examiner, Art Unit 4157